

July 1, 2018

Honorable Ruth S. Matagi-Tofiga  
Director of Education  
Post Office Box DOE  
Pago Pago, American Samoa 96799

Dear Dr. Matagi-Tofiga:

We have approved American Samoa's application for Federal fiscal year (FFY) 2018 funds under Part B of the Individuals with Disabilities Education Act (IDEA Part B). Our approval is based on our review of the IDEA Part B application submitted by the American Samoa Department of Education to the U.S. Department of Education (Department), Office of Special Education Programs (OSEP), on May 14, 2018, including the assurances provided in Section II and incorporated by reference to this letter as noted in Enclosure A.

American Samoa's FFY 2018 IDEA Part B grant award is also being released subject to the Department-wide Specific Conditions placed on all Department grants to American Samoa in order to ensure that American Samoa's awards are expended in accordance with applicable legal requirements and with appropriate fiscal accountability measures, management practices, and controls.<sup>1</sup> The Specific Conditions and the specific reasons for imposing them are detailed in the enclosed Department's June 26, 2018 letter to American Samoa (which is Enclosure C and incorporated by this reference to this grant letter). These Department-wide Specific Conditions are imposed pursuant to the Department's authority in 2 CFR §§200.207 and 3474.10 (former 34 CFR §80.12) because of numerous significant deficiencies in internal controls and fiscal accountability. By accepting the enclosed grant award, American Samoa agrees to comply with the Specific Conditions identified in Enclosure C.

Please note that as part of your application for FFY 2018, American Samoa has provided a certification, pursuant to 34 CFR §76.104, that its application meets the requirements of IDEA Part B and that American Samoa will operate its Part B program in accordance with all of the required assurances and certifications. Any changes made by American Samoa, after OSEP approval, to information that is a part of American Samoa's Part B application, must meet the public participation requirements in 34 CFR §300.165.

Enclosed is American Samoa's FFY 2018 grant award for funds currently available under the Department of Education Appropriations Act, Title III of Subdivision H, 2018, P.L. 115-141, for the IDEA Part B Section 611 (Grants to States) program. These funds are available for obligation by States and entities from July 1, 2018, through September 30, 2020, in accordance with 34 CFR §76.709.

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<sup>1</sup> In OSEP's letter transmitting American Samoa's FFY 2017 IDEA Part B grant award, the term "Special Condition" was used in referring to the grant condition and reporting requirements imposed on the release of that grant award. For grant awards released in FFY 2018, the term "specific condition" replaces the term "special condition."

The amount shown in your award for the Section 611 program is only part of the total funds that will be awarded to you for FFY 2018. Of the \$12,277,848,000 appropriated for Section 611 in FFY 2018, \$2,994,465,000 is available for awards on July 1, 2018, and \$9,283,383,000 will be available for awards on October 1, 2018. Under the Section 611 formula, the Secretary reserves not more than one percent of the amount appropriated for FFY 2018 to provide assistance to the outlying areas in accordance with their respective populations of individuals aged three through 21. Enclosure B provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure B shows funding levels for distribution of Section 611 funds and the parameters for within-State allocations.

In Section V of its IDEA Part B application, pursuant to the authority in IDEA Section 618(a)(3), American Samoa was required to submit data on the total amount of American Samoa's financial support made available for special education and related services for children with disabilities in American Samoa's State fiscal year (SFY) 2016 and SFY 2017. If OSEP receives information through audits, fiscal monitoring or other means that raises questions about the data American Samoa has provided in Section V, OSEP will follow-up with American Samoa.

Section 604 of the IDEA provides that "[a] State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this [Act]." Section 606 provides that each recipient of assistance under the IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant, American Samoa is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

The enclosed grant award of FFY 2018 funds is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries may be necessary to allow us to appropriately carry out our administrative responsibilities related to IDEA Part B.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,

/S/

Ruth E. Ryder  
Acting Director  
Office of Special Education Programs

Enclosures:

Enclosure A  
Enclosure B  
Enclosure C

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cc: State Director of Special Education